

REMARKS

In response to the Office Action dated November 29, 2007, Applicant respectfully requests reconsideration based on the above amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

The undersigned wishes to thank Examiner Haile for the courtesy of a telephone interview on January 9, 2008. During the interview the Labaton reference was discussed and Applicant's representative agreed to file a response further defining the unique identifier of the recipient.

Claims 1-4, 6, 9-15 and 19-21 were rejected under 35 U.S.C. § 103 as being unpatentable over Bianchi in view of Labaton. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "wherein the first message modification key value being determined based on the at least one variable parameter and a unique identifier associated with the predetermined recipient, the unique identifier being a biometric identifier obtained from the recipient." Support for this feature is found in at least paragraph [0024] of Applicant's specification. Labaton was relied upon for allegedly disclosing a unique identifier associated with the predetermined recipient. Applicant submits that Labaton fails to teach "the unique identifier being a biometric identifier obtained from the recipient" as recited in claim 1.

In applying Labaton, the Examiner cites to column 5, lines 10-19 of Labaton as allegedly teaching a unique identifier associated with the predetermined recipient. This section of Labaton discusses a PIN that is used by the sender of a message to encrypt a transmission. Labaton fails to teach an identifier **associated with the recipient**. Further, Labaton fails to teach a unique identifier being a biometric identifier obtained from the recipient. Thus, even if Bianchi and Labaton are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Bianchi in view of Labaton. Claims 2-4 and 6-10 variously depend from claim 1 and are patentable over Bianchi in view of Labaton for at least the reasons advanced with reference to claim 1. Claims 11 and 21, as

amended, recite features similar to those discussed above with reference to claim 1 and are patentable over Bianchi in view of Labaton for at least the reasons advanced with reference to claim 1. Claims 12-15, 19 and 20 depend from claim 11 and are considered patentable for at least the same reasons.

Claims 7, 8, 17 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Bianchi in view of Labaton and Kamperman. This rejection is traversed for the following reasons. Kamperman was relied upon for disclosing transmitting modified data messages, but fails to cure the deficiencies of Bianchi in view of Labaton discussed above with reference to claims 1 and 11. Claims 7 and 8 depend from claim 1 and claims 17 and 18 depend from claim 11, and are patentable over Bianchi in view of Labaton and Kamperman for at least the reasons advanced with reference to claims 1 and 11.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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